UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:23-cv-00499-MOC

QUANTERIOUS HOMMIE WHATLEY,	
Plaintiff,	
vs.	<u>ORDER</u>
CATHY JUDGE, et al.,	
Defendants.)

THIS MATTER is before the Court on initial review of Plaintiff's Complaint. [Doc. 1].

I. BACKGROUND

In this action filed on August 9, 2023, pro se Plaintiff, a state prisoner currently incarcerated at Harnett Correctional Institution ("Harnett CI") in Lillington, North Carolina, purports to bring claims arising out of events occurring at Harnett CI.¹ Plaintiff names Cathy Judge and Jimmy Dorman, both identified as officials at Harnett CI, as Defendants in this matter in their official capacities only. [Id. at 2]. Plaintiff alleges that Defendants violated his rights under the Eighth Amendment. [Id. at 3]. Plaintiff claims various physical injuries and seeks monetary relief. [Id. at 5].

II. DISCUSSION

In an action arising under 42 U.S.C. § 1983, venue is established by 28 U.S.C. § 1391(b), which provides: (b) A civil action may be brought in: (1) a judicial district where any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial

¹ Lillington, North Carolina, is in the Eastern District.

district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

Therefore, under Section 1391, Plaintiff's action may be heard in a venue where all the defendants reside, or in the venue where the issue substantially arose, which here is the Eastern District of North Carolina. Pursuant to 28 U.S.C. § 1406(a), the Court may dismiss this action, or, if it is in the interest of justice, transfer this action to the United States District Court for the Eastern District of North Carolina. The Court will transfer this action to the Eastern District of North Carolina.

III. CONCLUSION

For the reasons stated herein, the Court transfers this action to the Eastern District of North Carolina.

IT IS, THEREFORE, ORDERED that:

- 1. Plaintiff's action is transferred to the Eastern District of North Carolina.
- 2. The Clerk is instructed to terminate this action.

Signed: September 26, 2023

Max O. Cogburn Jr
United States District Judge